

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: February 16, 2005  
Bulk Item: Yes X No \_\_\_\_\_

Division: Growth Management  
Department: Planning and Env. Resources  
Staff Contact Person: Marlene Conaway

**AGENDA ITEM WORDING:** Approval for an Affordable Housing Deed Restriction for two dwelling units from Boy Scouts of America.

**ITEM BACKGROUND:** On October 18, 2004, Development Order 12-04 was signed by the Director of Planning and Environmental Resources approving two ROGO exemptions (Transferable ROGO exemption (TRE) identifier numbers A-0201 and A-0202) for property identified by real estate number 0011485.000000. Pursuant to Monroe County Code the transferable ROGO exemptions are subject to Affordable Housing requirements. The applicant submitted the Affordable Housing Deed Restriction to be approved by the BOCC.

**PREVIOUS RELEVANT BOARD ACTION:** None

**CONTRACT/AGREEMENT CHANGES:** N/A.

**STAFF RECOMMENDATION:** Approval.

**TOTAL COST:** X

**BUDGETED:** Yes N/A No \_\_\_\_\_

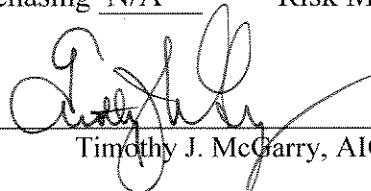
**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes N/A No \_\_\_\_\_ **AMOUNT PER MONTH** N/A **Year** \_\_\_\_\_

**APPROVED BY:** County Atty X OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**

  
Timothy J. McGarry, AICP


**DOCUMENTATION:** Included X

Not Required \_\_\_\_\_

**DISPOSITION:** \_\_\_\_\_

**AGENDA ITEM #** \_\_\_\_\_

## M E M O R A N D U M

**TO::** Danny Kolhage, Clerk of the Court  
**FROM:** Timothy J. McGarry, Growth Management Director   
**DATE:** February 16, 2005  
**RE:** Clarification of Agenda Item

---

### **Affordable Housing**

| <b>Permit<br/>Number</b> | <b>Name on<br/>Agenda Item</b> | <b>Name on<br/>Restrictive Covenant</b> | <b>Legal<br/>Description</b>   |
|--------------------------|--------------------------------|---|--|
| 04-1-1453                | Boy Scouts of America          | Boy Scouts of America.                  | Part Lot 1 (Section 27,<br>Township 66, Range 28)<br>and Part Lot 4 (Section<br>34, Township 66, Range<br>28), Summerland Key,<br>RE: 00114850.000000. |

This Instrument prepared by  
and after recording return to:  
Nicholas W. Mulick, Esq.  
NICHOLAS W. MULICK, PA  
91645 Overseas Highway  
Tavernier, FL 33070  
305-852-9292

**MONROE COUNTY PLANNING DEPARTMENT  
AFFORDABLE HOUSING DEED RESTRICTION**

**STATE OF FLORIDA  
COUNTY OF MONROE**

Notice is hereby given that:

- I. The Boys Scouts of America is the sole owner of certain real property, situated, lying and being in Monroe County, State of Florida, described as follows:

**Part Lot 4 (Section 27, Township 66, Range 28), and  
Part Lot 1 (Section 34, Township 66, Range 28).**

Key: Summerland PB: \_\_\_\_\_  
(If legal description is metes and bounds, attach a separate sheet)

Real Estate Number: 00114850.000000

The building containing the two dwelling units that are the subject of this restriction is located within the crosshatched area on the site plan attached hereto as Exhibit 1.

- II. The two residential units are under Building Permit Number 04-01-1453.
- III. Under the employee housing provisions set for in Chapter 9.5 of Monroe County Land Development Regulations, the owner of the above-described real property has been exempted from payment of "Fair Share Impact Fees" for a two-unit building to be constructed on said real property.
- IV. Occupancy shall be restricted to households meeting the income and employment requirements of Monroe County Code Section 9.5-266(a)(6)b during the period of time each employee occupies the residential unit.
- V. Under Monroe County Code Section 9.5-266, the employee housing dwelling units are restricted to a maximum of one-thousand three-hundred (1,300) square feet of habitable space for a period of at least thirty (30) years.
- VI. The applicant has transferred two ROGO-exempted units from NHC, Inc and the TRE Identifier Numbers are A-0201 and A-0202.

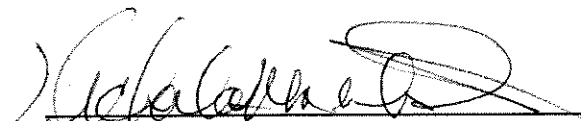
**Boy Scouts of America; RE No. 00114850.000000**

VII. The covenants shall be effective for thirty (30) years but shall not commence until a Certificate of Occupancy has been issued by the Building Official for the dwelling units to which the covenants apply. This Deed Restriction shall remain in effect for thirty (30) years regardless of the owner's or occupant's ability to comply or re-qualify on an annual basis or as otherwise may be required.


VIII. All of the restrictions herein shall be binding upon any transferees, lessees, heirs, assigns or successors in the chain of title.

The Boy Scouts of America certifies that it is familiar with the information herein contained and that it is true and correct to the best of its knowledge and belief; and it will abide by the above-stated restrictions pursuant to Monroe County Code Chapter 9.5, as may be amended from time to time.

Boy Scouts of America,  
a foreign nonprofit corporation

  
Witness

Nicholas W. Mulick  
(Print Name of Witness)

By:   
Paul Kalvaitis

  
Witness

Lisa Carey  
(Print Name of Witness)

Mailing Address: PO Box 1906  
Islamorada, FL 33036

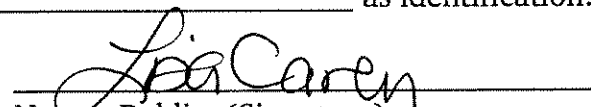
Physical Address: 73800 Overseas Hwy  
Islamorada, FL 33036

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of January 2005, A.D., by Paul Kalvaitis, as Agent, for Boy Scouts of America, a foreign nonprofit corporation, on behalf of the corporation. He is personally known to me or has produced \_\_\_\_\_ as identification.

My Commission Expires:

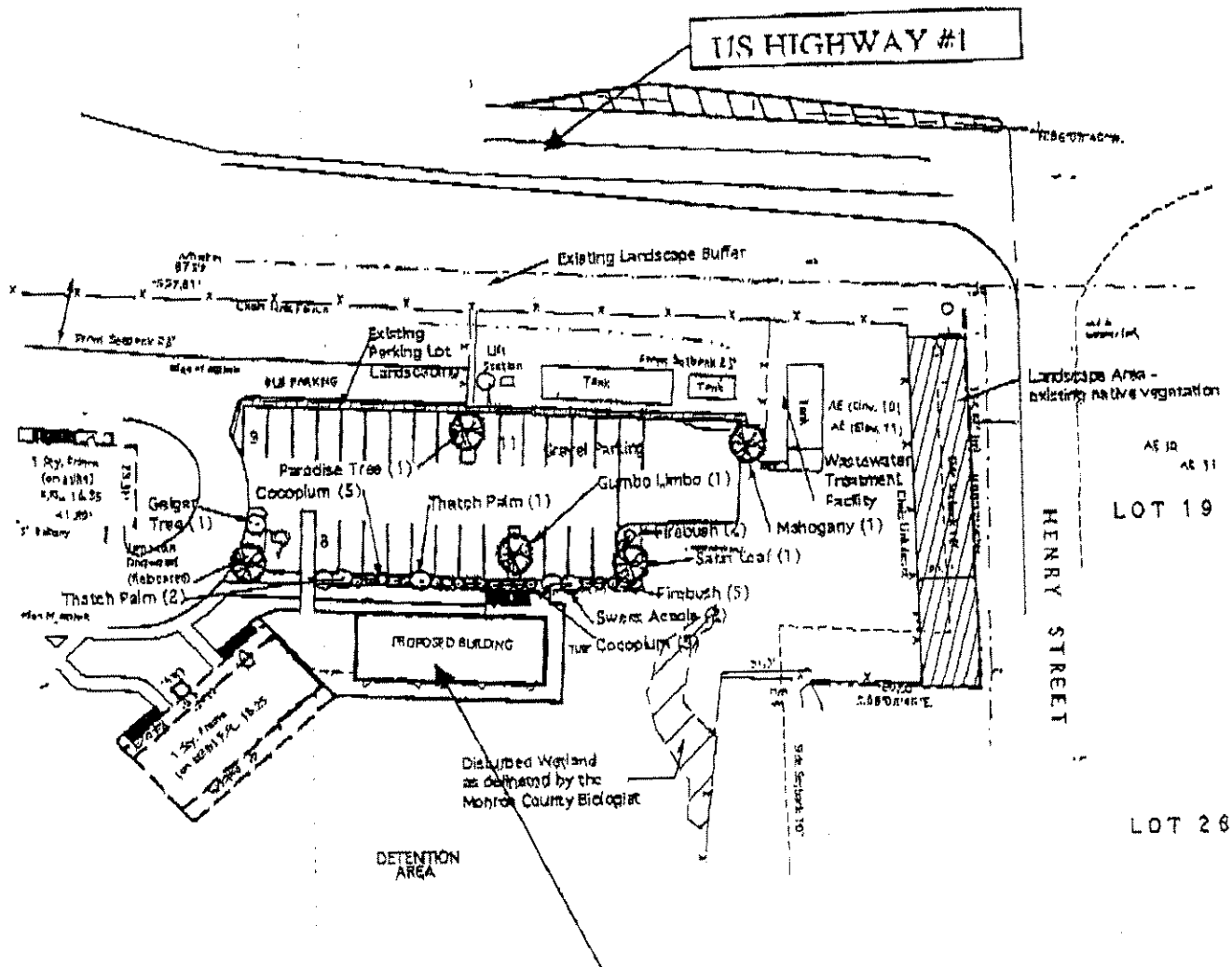


[stamp seal in space provided above]

  
Notary Public (Signature)  
Lisa Carey  
(Print Name of Notary Public)



BOY SCOUTS OF AMERICA  
BRINTON ENVIRONMENTAL CENTER  
COUNSELOR BUILDING  
REAL ESTATE NUMBER 00114850-000000  
BUILDING LOCATION MAP  
SUMMERLAND KEY, FLORIDA



Approved Counselor Building pursuant to Monroe County Development Orders #11-04 and 12-04. Development Order #12-04 authorized two ROGO Exemptions (TRE's) to this property. The TRE Identifier numbers A-0201 and A-0202. Building Permit number 04-1-1453.